

REMARKS

This Response is submitted in reply to the Final Office Action dated April 28, 2010, the Supplemental Office Action dated August 11, 2010, and in accordance with the telephone interview conducted on July 15, 2010. Claims 1, 3, 4, 5, 6, 7, 9, 13, 15, 18, 20, 22, 23, 24, 25, 26, 28, 29, 32, 34, 37, 38, 40 and 47 are amended for clarity. A Request for Continued Examination is submitted herewith. Please charge Deposit Account No. 02-1818 for all fees due in connection with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Applicant requests that the Examiner allow the application or provide an upcoming Office Action which will ". . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Final Office Action dated April 28, 2010 and the Supplemental Office Action dated August 11, 2010 will be jointly referred to herein as the Office Action. The Office Action rejected:

- (a) Claims 1 to 5, 7 to 24, 26 to 44, 48, 50 to 52, and 55 to 57 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2001/0054794 to Cole et al ("Cole"); and
- (b) Claims 6, 25, 40, 45, 46, 49, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over Cole in view of U.S. Patent No. 5,833,537 to Barrie ("Barrie").

Applicant respectfully disagrees. Additionally, to expedite prosecution of this application, certain of the claims have been amended.

As an initial matter, the Office Action does not discuss each independent claim separately. In this application, Applicant is unable to exactly figure out from the Office Action exactly how the Examiner is reading each independent claim on the respective embodiment of Barrie. If the Examiner issues another Office Action rejecting any of the claims, Applicant respectfully request that the Examiner carefully separately explain in detail why each independent claim is rejected over the prior art reference(s).

As discussed during the interview, Cole generally teaches: (1) accumulating potential awards over a plurality of plays of a wagering game, (2) after a potential award is accumulated, allowing the player to cause a selection of one of the accumulated potential awards (or a no award outcome if less than a maximum number of potential awards have been accumulated), and (3) upon the player causing a selection of one of the accumulated potential awards (or the no award outcome), selecting one of the potential awards (or the no award outcome), and providing the selected award (or if selected the no award outcome) to the player. The Examiner explained during the interview that the Examiner considers the selected award in Cole as a modifier of the result of the play of the game (or the reel spin), which is in part why the Examiner believes that the claims are unpatentable over Cole. Applicant disagrees. Even if the accumulated potential awards of Cole and eventually the selected award in Cole is considered a modifier of an award of the underlying primary game in Cole, the accumulated potential awards of Cole and eventually the selected award in Cole are modifiers of an award, rather than modifiers of a functionality of the primary game provided to the player in Cole. For this reason alone, Cole clearly does not anticipate any of the claims.

Nevertheless, certain claims have been amended as discussed during the interview and further discussed below.

As discussed during the interview, Claim 1 has been amended to clarify that after the selection, the reels are reactivated a plurality of times and the selected modifier is automatically applied to modify at least one function of the primary game for each one of those reactivations of the reels. Cole does not teach this.

Claim 18 previously provided: (1) that each of the plurality of modifiers correspond to a quantity of at least one subsequent activation of the reels, and that the quantity was greater than one for at least one of the modifiers; (2) applying the selected modifier to modify, for each of the reactivated reels, at least one of: (i) the at least one award, if any, based on at least one symbol indicated on the reels; and (ii) the winning condition of the primary wagering game. Cole does not teach this.

Claim 18 has also been amended to clarify the automatic performance of the quantity of subsequent activations which correspond to the selected modifier. Cole does not teach this.

Claim 20 previously provided that each one of the modifiers correspond to a quantity of at least one subsequent play of the primary wagering game, the quantity being greater than one for at least one of the modifiers, and has been amended to clarify that the selected modifier is applied to the primary wagering game for each of the quantity of subsequent plays of the primary wagering game. Cole does not teach this.

Claim 20 has also been amended to clarify the automatic activation of the selected modifier for at least one of the subsequent plays of the primary wagering game after the selection. Cole does not teach this.

Claim 37 has been amended to clarify the automatic operation of the second play of the primary game after the selection. Cole does not teach this.

Claim 38 has been amended to clarify that at least one of said modifiers is associated with a quantity of subsequent activations of the reels, the quantity being at least two. Cole does not teach this.


Claim 47 has been amended to clarify that each of said modifiers is associated with a quantity of at least two subsequent plays of the primary wagering game. Cole does not teach this.

At least for the foregoing reasons, Applicant submits that the references relied upon in the Office Action do not separately or collectively anticipate or render obvious the foregoing elements of such claims.

Applicant submits that claims 1, 18, 20, 37, 38 and 47, together with their dependent claims, are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,
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